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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/990,973	12/15/1997	ELIZABETH A. SMITH	01263.59651	1916

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EXAMINER

SALCE, JASON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 07/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

*jm*

# Office Action Summary

Application No.

08/990,973

Applicant(s)

SMITH ET AL.

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 1997 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Belcher et al. (U.S. Patent No. 3,987,397).

Referring to claim 15, Belcher discloses transmitting a video signal (Column 5, Lines 43-50) and a plurality of first operation data from a system manager is described as an additional 16-bit command code to be executed at the transceiver (Column 6, Lines 17-19), the first operation data associated with user inputs at a subscriber terminal during a first mode (Column 11, Lines 13-18), each first operation data identifying a particular operation (Column 9, Lines 4-16).

Belcher also discloses receiving the video signal and the first operation data at the subscriber terminal (Column 7, Lines 31-38 and Lines 59-65).

Belcher also discloses storing the first operation data (Column 7, Lines 31-34).

Belcher also discloses receiving a user input (Column 9, Lines 4-16).

Belcher also discloses generating upstream data according to the user input (Column 7, Lines 12-14).

Belcher also discloses transmitting the upstream data to the system manager (Column 7, Lines 12-14).

Referring to claim 16, Belcher also discloses transmitting and receiving second operation data (Column 12, Lines 54-56).

Referring to claim 17, Belcher discloses storing operation data, and the operation data associated with at least one user input during a first mode, the operation data identifying a particular operation, and receiving a user input (see rejection of claim 1).

Belcher also discloses comparing the user input with the operation data stored (Column 6, Lines 25-35 and Column 8, Lines 11-18).

Belcher also discloses performing an operation corresponding with the operation data, which matches the user input during the first mode, or an operation associated with the user input during a second mode (Column 7, Lines 11-17 and Column 8, Lines 11-18 and Column 9, Lines 4-16 and Column 10, Lines 32-43).

Referring to claim 18, Belcher discloses transmitting the operation data (Column 10, Lines 38-43) from a system manager (see CDS in Column 6, lines 12-19) and receiving the operation data at a subscriber terminal prior to said step of storing (Column 5, Lines 43-49). It is inherent that a subscriber terminal would have to receive the operation data before it could store it in memory (Column 9, Lines 52-60).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuko et al (U.S. Patent No. 4,686,564) in view of Seth-Smith et al. (U.S. Patent No. 4,829,569).

Referring to claim 19, Masuko discloses storing a key template map for associating a particular key of a keypad with an operation to be performed by a processor (Column 15, Lines 67-68 and Column 16, Lines 1-8).

Masuko also discloses receiving a key input (Column 16, Lines 9-12).

Masuko also discloses comparing the key input with the key map to determine an operation from the screen (Column 16, Lines 12-34) including the operation prompt during the first mode (Column 14, Lines 46-54).

Masuko also discloses performing the operation from the screen including the operation prompt during the first mode, or another operation associated with the key input during a second mode (Column 14, Lines 46-54 for prompt and Column 16, Lines 12-34 for first mode (channel request) and second mode (pay program option)).

Masuko fails to teach displaying a background video signal. Seth-Smith teaches displaying a background image (Column 14, Lines 11-14 and 47-51). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the external control unit, as taught by Masuko, using the method of displaying a background image, as taught by Seth-Smith, for the purpose of clearly displaying important the text on a video background or a plain background (Column 14, Lines 53-60 of Seth-Smith).

Claim 20 corresponds to claim 19, with the additional limitation downloading the key template map from a system manager (see Column 20, Lines 24-26 of Masuko).

Referring to claim 21, see rejection of claim 19. Also note that Masuko teaches a display at Column 20, Lines 27-31, a memory at Column 19, Lines 26-30, and a processor at Column 19, Lines 31-34. Seth-Smith teaches a keypad at Column 15, Lines 58-60.

Claim 22 corresponds to claim 21, with the additional limitation of a system manager for downloading screen data including the key template map to the memory. See rejection of claim 20.

Claim 23 corresponds to claim 22, with the additional limitation of the screen data further includes attribute data for defining display characteristics (see "Line Formats" section starting at Column 13, Line 52 of Seth-Smith), and displaying this data (Column 14, Lines 47-60).

Claim 24 corresponds to claim 21, with the additional limitation of the keypad including a remote control keypad, which communicates with a processor via infrared communication. Seth-Smith teaches a keypad that communicates with a microprocessor at Column 15, Lines 58-65. The examiner takes Official Notice that a keypad or remote control can use infrared signals to communicate with a set-top box or television receiver.

Claim 25 corresponds to claim 21, with the additional limitation of the operation prompt identifying a program routine for interactivity. Matthews teaches a routine processed by the CPU when the pay program starts that displays a prompt to turn on

the receiver if the pay program is ready to begin (Column 17, Lines 48-68 and Column 18, Lines 1-8).

Claim 26 corresponds to claim 21, with the additional limitation of the background video signal includes a video signal representing a plain colored screen or an incoming video signal. Seth-Smith teaches this limitation at Column 14, Lines 47-60).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Campbell et al. (U.S. Patent No. 4,574,305) discloses a remote hub television and security systems.

Campbell et al. (U.S. Patent No. 4,536,791) discloses an addressable cable television control system with video format data transmission.

Monat (U.S. Patent No. 4,556,904) discloses a teletext system having user prompt commands.

Murray (U.S. Patent No. 4,413,277) discloses an instant replay productivity motivation system.

Farina et al. (U.S. Patent No. 4,313,213) discloses a computer controlled television receiver with display.

Reiter et al. (U.S. Patent No. 4,751,578) discloses a system for electronically controllably viewing on a television, updateable television programming information.

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Hix et al. (U.S. Patent No. 5,101,197) discloses an electronic transparency method and apparatus.


Beyers, Jr. et al. (U.S. Patent No. 4,162,513) discloses a television system scheduler.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-9048.

July 1, 2002

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
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